(25)

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P.(S) No. 5441 of 2006**

**PETITIONER** Prabhakar Dewangan S/o. Jutiya Ram Dewangan, Aged about 44 years, Post- Assistant Teacher, R/o. Village- Birra, Post- Birra, Block - Bamhanidih, District Janjgir-Chama (C.G.)

***Versus***

**RESPONDENTS**

1. State of Chhattisgarh, Through: Secretary, Department of Education, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. District Education Officer, Janjgir, District Janjgir-Champa (C.G.)
3. Block Education Officer, Block- Bamhanidih, District – Janjgir-Champa (C.G.)

**(Writ Petition under Article 226 of the Constitution of India)**

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**Appearance:**

Shri Ramakant Pandey, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer, for the State on advance copy.

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**ORAL ORDER**
**(24.08.2007)**

**SUNIL KUMAR SINHA, J.**

Heard on admission.

Learned counsel for the petitioner submits that the petitioner has passed D.Ed. examination on his own expenses, therefore, he is entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}.*** He submits that the case of the petitioner is squarely covered by the said Judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioner's such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioner had acquired D.Ed. Examination Certificate on his own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether he has been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

**Sd/-**
**Sunil Kumar Sinha**
**Judge**

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